

ORDINANCE 2002-30

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA ESTABLISHING A COMMUNITY DEVELOPMENT DISTRICT OVER THE REAL PROPERTY LEGALLY DESCRIBED ON EXHIBIT "A" TO THIS ORDINANCE COMPRISING APPROXIMATELY 999 ACRES: NAMING THE INITIAL MEMBERS OF THE BOARD OF SUPERVISORS OF THE DISTRICT; ESTABLISHING THE NAME OF THE DISTRICT AS BEELINE COMMUNITY DEVELOPMENT DISTRICT; DESIGNATING THE PURPOSE OF THE DISTRICT; DESIGNATING THE POWERS OF THE DISTRICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature created and amended Chapter 190, Florida Statutes to provide an alternative method to finance and manage basic services for community development; and

WHEREAS, United Technologies Corporation, a Delaware corporation ("Petitioner"), has petitioned Palm Beach County, Florida (the "county") to grant the establishment of the Beeline Community Development District (the "District"); and

WHEREAS, a public hearing has been conducted by the Board of County Commissioners of Palm Beach County, Florida (the "Board") in accordance with the requirements and procedures of Section 190.005(1)(d), Florida Statutes (2001), as amended and supplemented; and

WHEREAS, all statements contained within the petition have been found to be true and correct; and

WHEREAS, the creation of the District is consistent with the applicable elements and portions of the effective Palm Beach County Comprehensive Land Use Plan, as amended; and

WHEREAS, the area of and within the District is of sufficient size, is sufficiently compact, and is sufficiently contiguous to be developable as one functional interrelated community; and

WHEREAS, the creation of the District is the best alternative available for delivering the community development services and facilities to the area that will be served by the District; and

WHEREAS, the District will constitute a timely, efficient, effective, responsive and economic way to deliver community development services in the area; and

WHEREAS, the proposed services and facilities to be provided by the District will be compatible with the capacity and uses of existing local and regional community development services and facilities; and

WHEREAS, the area that will be served by the District is amenable to separate special-district government: and

WHEREAS, the District desires to levy ad valorem assessments and/or special assessments on purchasers of benefited land within the district to pay for infrastructure constructed or acquired by the District, or to finance such infrastructure by user fees; and

WHEREAS, the District shall acquire or construct potable water and wastewater facilities to provide potable water and wastewater services within and without the District; and

WHEREAS, the District does not have any zoning or development permitting power and the establishment of the District is not a development order; and

WHEREAS, all applicable planning and permitting laws, rules, regulations and policies control the development of the land to be serviced by the District; and

WHEREAS, the Board has considered the record of the public hearing and has decided that the establishment of the Beeline Community Development District is the best alternative means to provide certain basic services to the community; and

WHEREAS, the Board finds that the Beeline Community Development District shall have the general powers described in Section 190.011, Florida Statutes (2201).

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA:

Section 1: The Petition to establish the Beeline Community Development District over the real property described in Exhibit "A" attached hereto, which was filed by United Technologies Corporation on May 7, 2002, and which Petition is on file at the Office of the County Administrator, is hereby granted.

Section 2: The external boundaries of the District shall be as depicted on the location map attached hereto and incorporated herein as Exhibit "B."

Section 3: The initial members of the Board of Supervisors shall be as follows:

John Sillan
William Howden
John Harris, Jr.
John S. Canzio
Joseph P. Pruszynski

Section 4: The name of the District shall be "Beeline Community Development District."

Section 5: The District is created for the purposes set forth in and prescribed in the petition.

Section 6: The Board hereby grants to the Beeline Community Development District all general powers authorized pursuant to Section 190.011, Florida Statutes (2001), and hereby finds that it is in the public interest of citizens of the County to grant such general powers.

Section 7: Pursuant to Section 190.004(4), Florida Statutes (2001), the charter for the Beeline Community Development District shall be Sections 190.006 through 190.041, Florida Statutes (2001), including the special powers provided by Section 190.012, Florida Statutes (2001).

Section 8: The District is solely responsible for the implementation of ad valorem and/or special assessments upon benefited property within the District's internal boundaries and shall provide notice of said ad valorem and/or special assessments to all prospective purchasers of said property.

Section 9: The District shall provide full disclosure of the public financing and maintenance of improvements undertaken by the District. This disclosure shall include a statement in bold print that ad valorem and special assessments imposed by the District will appear in the tax bill. This disclosure shall meet the requirements of Section 190.048, F.S. (2001), and shall be included in every contract for sale and in every recorded deed.

Section 10: The District shall disclose the fact that this is a special taxing district and that an ad valorem or special assessment will be assessed on the tax roll against all property owners within the District. This information shall be in BOLD type on all sales brochures and on all sales information.

Section 11: The District shall submit to the Palm Beach County Monitoring Section of the Planning, Zoning and Building Department, on an annual basis beginning on November 1, 2002, copies of the disclosures and documents required by Sections 9 and 10 above. This submittal shall continue until all properties have been sold.

Section 12: If any section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held by any court of competent jurisdiction to be unconstitutional, inoperative or void, such holding shall not affect the remainder of this Ordinance.

Section 13: This ordinance shall take effect upon filing with the Department of State.

APPROVED AND ENACTED by the Board of County Commissioners of Palm Beach County, Florida on this 23 day of July, 2002.

ATTEST:

By: Linda C. Hickman
Deputy Clerk



**PALM BEACH COUNTY,
FLORIDA, BY ITS BOARD OF
COUNTY COMMISSIONERS**

[Signature]
Chairman

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY

By: [Signature]
County Attorney

EFFECTIVE DATE: Filed with the Department of State, State of Florida, on the 31 day of July, 2002, at _____ m.

EXHIBIT A
LEGAL DESCRIPTION OF DISTRICT

BEING A PORTION OF SECTIONS 13, 14, 15 AND 16, TOWNSHIP 41 SOUTH, RANGE 40 EAST, PALM BEACH COUNTY, FLORIDA. BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 13; THENCE NORTH 89°56'23" WEST ALONG THE SOUTH LINE OF SAID SECTION 13, A DISTANCE OF 2988.34 FEET; THENCE NORTH 00°20'57" WEST. A DISTANCE OF 1084.11 FEET; THENCE SOUTH 89°39'03" WEST, A DISTANCE 3548.34 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 320.00 FEET AND A CENTRAL ANGLE OF 45°17'06"; THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 252.92 FEET TO THE POINT OF TANGENCY; THENCE NORTH 45°03'50" WEST, A DISTANCE OF 495.72 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE TO THE NORTHEAST, HAVING A RADIUS OF 240.00 FEET AND A CENTRAL ANGLE OF 46°01'44"; THENCE NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 192.81 FEET TO THE POINT OF TANGENCY; THENCE NORTH 00°57'54" EAST, A DISTANCE OF 417.32 FEET; THENCE NORTH 44°42'26" WEST, A DISTANCE OF 143.25 FEET; THENCE SOUTH 89°39'32" WEST, A DISTANCE OF 9866.04 FEET, THENCE NORTH 00°20'28" WEST, A DISTANCE OF 2900.00 FEET; THENCE NORTH 89°39'32" EAST, A DISTANCE OF 10285.93 FEET TO A POINT ON THE SOUTHWEST RIGHT-OF-WAY LINE OF SEABOARD AIR LINE RAILWAY AS RECORDED IN DEED BOOK 219, PAGE 6; THENCE SOUTH 53°39'13" EAST ALONG SAID SOUTHWEST RIGHT-OF-WAY LINE, A DISTANCE OF 8545.98 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 13; THENCE SOUTH 00°27'19" EAST ALONG SAID EAST SECTION LINE, A DISTANCE OF 39.74 FEET TO THE POINT OF BEGINNING.

CONTAINING 999.50± ACRES MORE OR LESS.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, DOROTHY H. WILKEN, ex-officio Clerk of the
Board of County Commissioners certify this to be a
true and correct copy of the original filed in my office
on July 23, 2002
DATED at West Palm Beach, FL on 9/10/02:
DOROTHY H. WILKEN, Clerk
By: Diane Brown D.C.